

OFFICIAL COPY

Fresno, California

August 25, 1998

The City Council of the City of Fresno met in joint session with the Redevelopment Agency at the hour of 8:42 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Councilmember
	Mike Briggs	Vice President (arrived later)
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Chris Mathys	President

Jeff Reid, City Manager
Bob Quesada, City Manager's Office
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca E. Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

APPROVE AGENCY MINUTES OF AUGUST 18, 1998)

On motion of President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of August 18, 1998, approved as submitted.

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("A") REPORT ON COST OF FEASIBILITY ANALYSIS RELATING)
TO THE PROPOSED OPHELIA/NAES GROUP DOWNTOWN HOTEL AND)
CONVENTION CENTER)

Economic Development Coordinator Webster reviewed the staff report as submitted, brief discussion ensued on the design and other aspects to be analyzed, and Mr. Webster responded to questions.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the request for the City Manager's Office to negotiate and execute a professional service agreement hereby confirmed, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs

("B") **RESOLUTION NO. 1494** - AUTHORIZING THE EXECUTIVE)
 DIRECTOR OF THE REDEVELOPMENT AGENCY TO EXECUTE THREE)
 DEEDS OF EASEMENT TO THE FRESNO IRRIGATION DISTRICT,)
 PROPERTY LOCATED AT THE BRALY CANAL IN SOUTHWEST FRESNO)
(AGENCY ACTION))

Redevelopment Administrator Murphey briefly reviewed the staff report as submitted.

On motion of Councilmember Quintero, seconded by President Mathys, duly carried, RESOLVED, the above entitled Agency Resolution No. 1494 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Briggs

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The joint bodies adjourned at 8:53 a.m. and the City Council convened in regular session.

Pastor Roger Whitlow, Valley Christian Center, gave the invocation.

Fire Chief Smith led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "MR. ISSAC CAMERENA DAY" - MAYOR PATTERSON)

Read and presented.

PROCLAMATION OF "MR. STEVEN ELLISON DAY" - MAYOR PATTERSON)

Not present to accept.

RESOLUTION OF COMMENDATION TO RALPH LUCE, JR. - MAYOR)
 PATTERSON)

Read and presented. Vice President Briggs arrived at 9:13 a.m.

PROCLAMATION OF "BINH THAI NGUYEN DAY")

Read and presented.

RESOLUTIONS OF COMMENDATION TO MARIE HUFFMAN AND KEN)
 TAKEUCHI - PRESIDENT MATHYS)

Read and presented.

PRESENTATION BY THE ALCOHOL BEVERAGE CONTROL TO THE)
 POLICE DEPARTMENT)

Presentation made.

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APPROVE COUNCIL MINUTES OF AUGUST 18, 1998)

The following amendments were made: (1) on Page 132-62, Item **1A-4**, showing Councilmember Perea voting "No" on the last vote of that page relative to providing transit service to Valley Children's Hospital; (2) on Page 132-67, Item **1A-20**, correcting the 5th paragraph by adding the underlined portions: ...Council rejected the Grand Jury's recommendation due to the outrageous cost and that the action reflected Council's belief that the solution to the safety hazards...etc., and (3) on the same issue (**1A-20**), showing Councilmember Ronquillo voting "Aye" and Councilmember Steitz voting "No", which votes were inadvertently left out.

COMMENDATION TO DENNIS MAJORS, UTILITIES DIVISION, AND STAFF,)
 AND DEVELOPMENT DEPARTMENT STAFF - COUNCILMEMBER QUINTERO)

Commendation made.

(2 - 0) On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of August 18, 1998, approved as amended above.

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APPROVE AGENDA:

REQUEST FOR UPDATE ON SISTER CITY TORREON, MEXICO'S REQUEST)
 FOR A STREET LAMP - COUNCILMEMBER RONQUILLO)

Request made.

(1A-25) AUTHORIZE THE NEGOTIATION AND EXECUTION OF AGREE-)
 MENTS WITH THE WEST FRESNO SCHOOL DISTRICT FOR THE PURCHASE,)
 OPERATION AND MAINTENANCE OF THE IVY NEIGHBORHOOD CENTER)

City Clerk Klisch advised and corrected the title to indicate the agreement would be with the West Fresno Community Foundation, Inc., and not the school district. So noted.

(5G) REQUEST TO SCHEDULE A HEARING TO RECONSIDER THE)
 PLANNING COMMISSION'S ACTION ON VARIANCE APPLICATION NO.)
 V-98-013, PROPERTY LOCATED AT 2936 E. MICHIGAN - COUNCIL-)
 MEMBER PEREA)

Removed from the agenda.

(5I) DIRECT STAFF TO PREPARE AMENDMENTS TO THE FRESNO)
 MUNICIPAL CODE RELATING TO SWIMMING POOL PROTECTION TO)
 INCLUDE AS SAFETY FEATURE OPTIONS, ALL SAFETY FEATURES)
 LISTED IN THE SWIMMING POOL SAFETY ACT (HEALTH AND SAFETY)
 CODE SECTION 115922) OR SUCH FEATURES WHICH ARE EQUAL TO)
 OR GREATER THAN THOSE LISTED IN THE ACT - COUNCILMEMBER)
 BREDEFELD)

At the request of Councilmember Bredefeld, the issue set for 11:00 a.m. this date.

On motion of Councilmember Ronquillo, seconded by Vice President Briggs, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-16) *RESOLUTION - 13TH AMENDMENT TO AAR 98-159 APPRO-)
 PRIATING \$1,000 FROM DISTRICT 5 INFRASTRUCTURE FOR EQUIPMENT)
 FOR THE PUBLIC ADDRESS SYSTEM AT WINCHELL ELEMENTARY)
 SCHOOL - COUNCILMEMBER QUINTERO)

Councilmember Steitz registered a "No" vote on the issue.

(1A-22) RESOLUTION - DESIGNATING A SURVEY AREA FOR THE)
 BLACKSTONE/BELMONT AND VENTURA AVENUE CORRIDOR AND)
 OTHER NEARBY COMMERCIAL AREAS FOR REDEVELOPMENT STUDY)
 PURPOSES)

Councilmember Quintero advised the title should read "**Tulare**" Avenue Corridor instead of "Ventura". So corrected.

132-75

8/25/98

Councilmember Steitz recommended the area be named "Central City Area" as it also included Shields/Millbrook and therefore was not a true description of the area. Brief discussion ensued. By Council consensus, the resolution title was amended to identify the Shields/Millbrook area and the survey area was named "Central City Area". The resolution was subsequently adopted as amended.

(1A-2) ***RESOLUTION NO. 98-243** - 354TH AMENDMENT TO MFS RES.)
80-420) DELETING POLICE EVENT SERVICES FEES AND AMENDING)
CONTRACTED LAW ENFORCEMENT SERVICES FEES)
a. APPROVE THE SIDE LETTER OF AGREEMENT WITH THE FRESNO)
POLICE OFFICERS ASSOCIATION NON-SUPERVISORY POLICE UNIT 4,)
FOR POLICING SPECIAL EVENTS AND CONTRACT LAW ENFORCEMENT)
SERVICES)

City Attorney Montoy advised of a minor correction to Section 2c. of the agreement, second sentence, changing the word "adopted" to "amended". So corrected.

(1A-1) APPROVE APPOINTMENT OF ROBERT WILSON (COUNCILMEMBER)
BREDEFELD) AND LINDA SNYDER (COUNCILMEMBER QUINTERO) TO)
THE APARTMENT VACANCY TASK FORCE (FOR ADOPTION))

(1A-3) ***RESOLUTION NO. 98-244** - 11TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$619,500 OF FEDERAL AVIATION ADMINISTRATION)
(FAA) GRANT REVENUES FOR REBUDGET OF THE EXISTING AIRPORT)
IMPROVEMENT PROGRAM (AIP) GRANT NO. 26 FOR NOISE INSULATION)
OF HOMES IN A NOISE IMPACT AREA OF THE FRESNO YOSEMITE)
INTERNATIONAL (FYI) AIRPORT)

(1A-4) AWARD A ONE-YEAR REQUIREMENTS CONTACT WITH PRO-)
VISIONS FOR TWO ONE-YEAR EXTENSIONS TO MCCAIN TRAFFIC)
SUPPLY IN THE ESTIMATED AMOUNT OF \$167,823.28 FOR TRAFFIC)
SIGNAL CONTROLLERS, CABINETS AND ANCILLARY DEVICES)

(1A-5) AWARD A CONTRACT TO MAULDIN DORFMEIER CONSTRUCTION)
IN THE AMOUNT OF \$1,524,000 FOR PARKING EXPANSION AND)
UNDERGROUND STORAGE TANK REPLACEMENT AT THE FRESNO AREA)
EXPRESS FACILITY)

(1A-6) AWARD A CONTRACT TO CENTRAL VALLEY TRUCK CENTER)
OF FRESNO IN THE AMOUNT OF \$1,932,404.66 FOR THIRTEEN NEW)

(1A-7) AWARD CONTRACT TO DL CONSTRUCTION IN THE AMOUNT OF)
\$87,645 TO REPLACE THE RAILING ON THE GOLDEN STATE BLVD.)
BRIDGE AT CALIFORNIA AND "G" STREETS)

(1A-8) **RESOLUTION NO. 98-245** - AUTHORIZING THE CITY MANAGER)
TO ENTER INTO AN AGREEMENT WITH THE 21ST DISTRICT AGRI-)
CULTURAL ASSOCIATION TO PROVIDE POLICING SERVICES AT THE)
1998 FRESNO DISTRICT FAIR)

(1A-9) ***RESOLUTION NO. 98-246** - ACCEPTING THE \$2,000,000 GRANT)
OFFER FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR)
AIRPORT IMPROVEMENT PROGRAM (AIP) PROJECT NO. 27, A GROUND)
RUN-UP ENCLOSURE (HUSH HOUSE) FOR THE FRESNO YOSEMITE)
INTERNATIONAL (FYI) AIRPORT; AND AUTHORIZING THE TRANS-)
PORTATION DIRECTOR TO EXECUTE THE GRANT AGREEMENT)

(1A-10) ***RESOLUTION NO. 98-247** - ACCEPTING THE \$1,996,400 GRANT)
OFFER FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR)
AIRPORT IMPROVEMENT PROGRAM (AIP) PROJECT NO. 28, THE ANNUAL)
ENTITLEMENT GRANT FOR THE FRESNO YOSEMITE INTERNATIONAL)
(FYI) AIRPORT; AND AUTHORIZING THE TRANSPORTATION DIRECTOR)
TO EXECUTE THE GRANT AGREEMENT)

(1A-11) APPROVE AMENDMENT TO THE REQUIREMENTS CONTRACT)
AWARDED TO MCCARTHY FAMILY FARMS, INC./SAN JOAQUIN)
COMPOSTING FOR THE BENEFICIAL REUSE OF BIOSOLIDS TO)
ADDRESS ISSUES ON THE PART OF THE CITY WHICH HAVE ARISEN)
AFTER AWARD OF THE CONTRACT)

(1A-13) APPROVE EXTENSION OF THE TEMPORARY USE PERMIT ISSUED)
TO ABX AIR, INC., FOR OCCUPANCY OF AIRCRAFT RAMP FACILITIES)
AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT; AND AUTHORIZE)
THE TRANSPORTATION DIRECTOR TO EXECUTE SAME ON BEHALF OF)
THE CITY)

(1A-14) APPROVE LEASE AGREEMENT NO. 1 WITH AVIS RENT A CAR)
SYSTEM, INC.; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION)

TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY)

(1A-15) ***RESOLUTION NO. 98-248** - 12TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$2,000 FROM DISTRICT 5 INFRASTRUCTURE TO FUND)
THE PURCHASE OF EQUIPMENT FOR THE NATIONAL JUNIOR BASKET-)
BALL LEAGUE - COUNCILMEMBER QUINTERO)

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(1A-17) ***RESOLUTION NO. 98-250** - 14TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$1,000 FROM DISTRICT 5 INFRASTRUCTURE TO FUND)
ASSISTANCE PROVIDED BY THE FRESNO/CALWA COMMUNITY)
OUTREACH SERVICES - COUNCILMEMBER QUINTERO)

(1A-20) APPROVE THE PURCHASE OF FRESNO COUNTY ASSESSOR'S)
PARCEL NO. 445-041-25 FROM VERNON AND CAROL HOVANNISIAN FOR)
\$17,500 FOR THE DEVELOPMENT OF A NEW WATER WELL AT WELL SITE)
NO. 69, PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF FIRST)
AND SHIELDS AVENUES; AND AUTHORIZE THE PUBLIC WORKS)
DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE)
TRANSACTION ON BEHALF OF THE CITY)

(1A-22) **RESOLUTION NO. 98-251** - DESIGNATING A SURVEY AREA)
FOR THE BLACKSTONE/BELMONT, TULARE AVENUE CORRIDOR,)
SHIELDS/MILLBROOK, AND OTHER NEARBY COMMERCIAL AREAS)
FOR REDEVELOPMENT STUDY PURPOSES, **AS AMENDED** (AKA)
"CENTRAL CITY AREA"))

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None

(1A-16) ***RESOLUTION NO. 98-249** - 13TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$1,000 FROM DISTRICT 5 INFRASTRUCTURE FOR)
EQUIPMENT FOR THE PUBLIC ADDRESS SYSTEM AT WINCHELL)
ELEMENTARY SCHOOL - COUNCILMEMBER QUINTERO)

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Mathys
Noes : Steitz
Absent : None

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(1B-1) BILL NO. B-75 - AMENDING THE FRESNO MUNICIPAL CODE)
RELATING TO "TOW CARS")

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-75 introduced before the Council and laid over, by the following vote:

132-78

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Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None

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(9:30 A.M.) EXPAND THE TRAFFIC OFFENDER PROGRAM BY INSTALLING)
RED LIGHT DETECTORS AND ADDING FIVE (5) POLICE OFFICERS FOR)
TRAFFIC ENFORCEMENT)
1. *RESOLUTION NO. 98-252 - 10TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$282,300 TO EXPAND THE TRAFFIC OFFENDER)
PROGRAM BY INSTALLING RED LIGHT DETECTORS)
2. *RESOLUTION NO. 98-253 - 1ST AMENDMENT TO PAR 98-160)
ADDING FIVE POLICE OFFICER POSITIONS FOR THE EXPANSION OF)
THE TRAFFIC OFFENDER PROGRAM)
3. DIRECT STAFF TO IMPLEMENT THE RECOMMENDATION OF THE)
POLICE CHIEF - PRESIDENT MATHYS)

A motion and second to approve staff's recommendation was acted upon after discussion. Councilmembers commended staff for their work on the issue and Chief Winchester responded to questions. Councilmember Bredefeld stated he appreciated the effort but emphasized the additional officers were still not enough to address the serious problem of red light runners and elaborated, and stated he would monitor the number of citations issued and would bring back the traffic camera issue in January.

Councilmember Steitz expressed his opposition to the traffic cameras and elaborated, and presented questions to Chief Winchester relative to accidental death statistics, number of officers needed, and revenues from citations. Councilmember Ronquillo briefly left the meeting at 10:06 a.m. Brief discussion ensued.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution Nos. 98-252 and 98-253 hereby adopted, and staff directed to implement the recommendation of the Police Chief, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Ronquillo

- - - -

(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-98-14, FILED)
BY LUCIO GODINEZ, PROPERTY LOCATED ON THE EAST SIDE OF N.)
FIRST STREET BETWEEN E. BELMONT AND E. OLIVE AVENUES)
1. BILL - AMEND OFFICIAL ZONE MAP TO REZONE FROM C-5 TO C-6)

President Mathys announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo returned to the meeting at 10:10 a.m. Councilmember Perea made a motion to approve staff's recommendation to deny the rezoning request, which was acted upon after discussion.

132-79

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Applicant Lucio Godinez, through an interpreter, urged Council to support his request stating he had struggled through the process and wanted to improve the site and area.

Councilmember Perea stated he concurred with staff to deny the request emphasizing C-6 zoning would allow other incompatible uses, whereupon Councilmember Bredefeld seconded the motion. Discussion ensued on approving a single use designation with Planner Beach responding to questions (3 - 0) and advising why staff felt C-6 zoning would be a detriment to the area.

A substitute motion was offered by President Mathys, and Councilmember Perea urged Council to oppose the substitute motion emphasizing the area was very stressed and explained.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

A substitute motion of President Mathys, seconded by Councilmember Steitz, to approve the request and require a covenant restricting the use to a used car lot thus prohibiting all other C-6 uses failed to become the main motion, by the following vote:

Ayes	:	Steitz, Mathys
Noes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo
Absent	:	None

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. R-98-14 denied; and Rezoning Application No. R-98-14 to rezone the site from C-5 to C-6 denied, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo
Noes	:	Steitz, Mathys
Absent	:	None

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(10:30 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC)
USE AND NECESSITY FOR ACQUISITION OF EASEMENTS FOR)

CONSTRUCTION OF THE GRANTLAND TRUNK SEWER; CONSIDERATION)
OF AGREEMENT FOR GRANTING OF EASEMENT AND CONSTRUCTION)
OF IMPROVEMENTS ON PROPERTY OWNED AND MAINTAINED BY THE)
COUNTY OF FRESNO AND UNIVERSITY OF CALIFORNIA, ALL RELATING)
TO CONSTRUCTION OF THE GRANTLAND TRUNK SEWER)

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Dirk Poeschel, 2310 Tulare Street, representing property owner Hugo Kevorkian, expressed his concern with the acquisition as proposed stating Mr. Kevorkian's residual properties would be very difficult to develop and explained. Brief discussion ensued on mitigating Mr. Poeschel's concern and continuing the matter to enable Mr. Poeschel and staff to further negotiate.

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President Mathys made a motion, seconded by Vice President Briggs, to continue the hearing, which was subsequently withdrawn.

Public Works Director Salazar displayed drawings depicting roadway patterns through Mr. Kevorkian's property and along with Mr. Poeschel, responded to questions. Mr. Salazar recommended Council adopt the resolution this date, excluding the Kevorkian property, and approve the agreement, advising this would allow the project to proceed and staff would continue to work with Mr. Kevorkian, whereupon the motion to continue the hearing was withdrawn.

A motion and second to adopt the resolution as amended, and approve the agreement, was acted upon after brief discussion, with Mr. Salazar responding to questions of Councilmember Quintero relative to the Grantland OPL through Kearney Park.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

1. RESOLUTION NO. 98-254 - DETERMINING THAT THE PUBLIC)
INTEREST AND NECESSITY REQUIRE THE CONSTRUCTION OF THE)
GRANTLAND TRUNK AND THE ACQUISITION OF PERMANENT AND)
TEMPORARY EASEMENTS WITHIN, CONTIGUOUS TO, AND GENERALLY)
ALONG THE GRANTLAND OFFICIAL PLAN LINE (RIGHT OF WAY))
FROM HERNDON AND CORNELIA AVENUES TO JENSEN AVENUE, TO)
THE WASTEWATER TREATMENT PLANT; INCLUDING PARCELS OWNED)
BY HERMAN WAGENLEITNER, ET UX (APN 312-251-08); MHC AND)
ASSOCIATES (APN 326-022-09 & 10); EVRET MUZIO TRUST (APN)
327-021-11); DALENA TRUST, ET AL (APN 504-080-08 & 44);)
YUNG-TSU CHIENG, ET UX (APN 504-080-18); RANCHO RIVINGTON)
(APN 504-080-34, 42, 45); ANTOINETTE LAMBE (APN 504-090-30);)
LESLIE BUSICK, TRUSTEE (APN 504-090-55 & 506-010-10);)
ANTHONY LAMBE (APN 506-010-04); AND HUGO KEVORKIAN, ET)
AL. (APN 506-130-15), AS AMENDED, EXCLUDING THE KEVORKIAN)

PROPERTY)
2. APPROVE AGREEMENT WITH THE COUNTY OF FRESNO FOR THE)
GRANTING OF EASEMENT AND CONSTRUCTION OF PUBLIC)
IMPROVEMENTS IN KEARNEY PARK AND RELATED PROPERTY)
OWNED AND MAINTAINED BY THE COUNTY OF FRESNO AND)
UNIVERSITY OF CALIFORNIA, RELATING TO CONSTRUCTION)
OF THE GRANTLAND TRUNK SEWER PROJECT)

On motion of President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 98-254 hereby adopted, **as amended**, excluding the Kevorkian property at this time and staff directed to continue to negotiate; the Agreement for Granting of Easement and Construction of the Grantland Trunk Sewer with the County of Fresno as it pertains to property owned and/or leased by the County and operated as Kearney Park approved; and the City Manager authorized to execute the Agreement on behalf of the City, by the following vote:

132-81

8/25/98

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
 Noes : None
 Absent : None

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Vice President Briggs left the meeting at 10:53 a.m. and returned after the lunch recess.

(3A) BILL NO. B-74 - ORDINANCE NO. 98-61 - AMENDING SUBSECTION)
(t) OF SECTION 2-2801 OF THE FRESNO MUNICIPAL CODE RELATING)
TO TRANSIT REGULATIONS)

A motion and second to adopt the ordinance was acted upon after brief discussion with Rick Steitz, ATU, and Transit General Manager Rudd advising an agreement had been reached relative to a route for central and southern area residents to Valley Children's Hospital, and that the term of the agreement would be for 10 months. Councilmember Perea commended staff and ATU for their efforts and advised he could not support the service.

On motion of Councilmember Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-74 adopted as Ordinance No. 98-61, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz, Mathys
 Noes : Perea
 Absent : Briggs

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(3B) BILL NO. B-67 (INTRO. 8/18/98) - AMENDING THE FRESNO)
MUNICIPAL CODE RELATING TO THE CARD ROOM ORDINANCE)
ALLOWING MINORS TO ENTER THE PREMISES FOR THE PURPOSE)
OF DINING, ENTERTAINMENT AND SATELLITE WAGERING)

Councilmember Bredefeld stated he was opposed to 18 year olds engaging in any type of gambling and stated he supported allowing minors in dining/entertainment areas only. Brief discussion ensued and Councilmember Steitz made a motion to allow those under 18 years in restaurants and restrooms when accompanied by a parent/legal guardian.

Dianna Stansell, 1,000 Friends of Fresno, spoke in opposition to the proposed ordinance.

Upon question of Councilmember Quintero, City Attorney Montoy clarified the current ordinance and subsequent amendments.

(4 - 0) Discussion ensued on the implied original intent to prohibit anyone under 21 years of age from gambling or entering the premises without a parent/legal guardian, with Deputy City Attorney Slater responding to questions. President Mathys stated he would not support any ordinance which would allow minors in gaming facilities. Upon question of Councilmember Perea, Police Chief Winchester advised of staff's position on the proposed amendment.

132-82

8/25/98

An unidentified representative of Club One spoke in support of the proposed amendment stating current State law allowed 18 year olds in satellite wagering facilities, and emphasized Club One would provide safeguards to ensure minors would not enter gaming areas.

Councilmember Bredefeld reiterated he was philosophically opposed to 18 year olds being able to engage in satellite wagering even though it was allowed by State law, whereupon the motion was amended to include that provision.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, Bill No. B-67 withdrawn, and Bill No. B-76 introduced, **as amended**, prohibiting anyone under 21 years of age from gambling, and allowing minors under 18 years of age in entertainment facilities only when accompanied by a parent or legal guardian, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero. Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

- - - -

(3C) ADOPT BILLS RELATING TO GENERAL PROVISIONS OF THE)
FRESNO MUNICIPAL CODE (FMC), CODE ENFORCEMENT AND GENERAL)
APPEALS)
1. *BILL NO. B-68 - ORDINANCE NO. 98-62 - AMENDING ARTICLE 1,)
CHAPTER 1 OF THE FMC, RELATING TO GENERAL PROVISIONS)
2. *BILL NO. B-69 - ORDINANCE NO. 98-63 - REPEALING ARTICLE 4)
OF CHAPTER 1 OF THE FMC RELATING TO GENERAL APPEAL)
PROCEDURES, AND ADDING ARTICLE 4 OF CHAPTER 1 RELATING TO)
CODE ENFORCEMENT - JUDICIAL AND ADMINISTRATIVE REMEDIES)
3. *BILL NO. B-70 - ORDINANCE NO. 98-64 - ADDING ARTICLE 5 OF)

CHAPTER 1 OF THE FMC RELATING TO GENERAL APPEAL PROCEDURES)
4. *BILL NO. B-71 - ORDINANCE NO. 98-65 - AMENDING VARIOUS)
 SECTIONS OF THE FMC RELATING TO GENERAL APPEALS)
5. *BILL NO. B-72 - ORDINANCE NO. 98-66 - AMENDING SECTION)
 1-310(f) OF THE FMC RELATING TO DEFINITIONS)

A motion and second to adopt the ordinances was acted upon after brief discussion with Deputy City Attorney Slater responding to questions relative to issuing separate citations for each violation and deletion of a certain section.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill Nos. B-67, B-68, B-69, B-70, B-71 and B-72 adopted as Ordinance Nos. 98-62, 98-63, 98-64, 98-65 and 98-66, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
 Noes : None
 Absent : Briggs

- - - -
132-83

8/25/98

(5I) DIRECT STAFF TO PREPARE AMENDMENTS TO THE FRESNO)
MUNICIPAL CODE RELATING TO SWIMMING POOL PROTECTION TO)
INCLUDE AS SAFETY FEATURE OPTIONS, ALL SAFETY FEATURES)
LISTED IN THE SWIMMING POOL SAFETY ACT (HEALTH AND SAFETY)
CODE SECTION 115922) OR SUCH FEATURES WHICH ARE EQUAL TO)
OR GREATER THAN THOSE LISTED IN THE ACT - COUNCILMEMBER)
BREDEFELD)

Dr. Mark Simonian, Pediatrician, affiliate of Valley Childrens Hospital, and member of American Academy of Pediatrics, spoke in support of the Swimming Pool Safety Act and adopting the amendments.

Councilmember Bredefeld stated this was a safety issue to protect children and explained, and emphasized the City should comply with the act. A motion and second to move direction was acted upon after discussion.

Deputy City Attorney Slater and City Attorney Montoy responded to questions on the four options available, with Ms. Montoy clarifying the City was already in compliance with State law and that the requested direction would make the City "consistent" with state law.

Dr. Simonian responded to questions of Councilmember Steitz relative to drowning statistics. Councilmember Steitz expressed his opposition stating the safety features would give a false sense of security and could possibly make situations more dangerous and explained, stated he had a problem with government regulations intruding on family life, and stressed this was an issue of parental responsibility.

Councilmember Bredefeld stated this was good legislation and felt it would work, clarified the regulations would apply only to **new** pool construction, and urged Council's support. Upon question, Ms. Montoy clarified her opinion that the City was in compliance with State law. Councilmember Ronquillo commented on the issue stating

accidents did happen and expressed his support.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, staff directed to prepare amendments to Sections 13-120.450 through 13-120.450.3 relating to swimming pool protection to include as safety feature options, all safety features listed in the Swimming Pool Safety Act (Health and Safety Code Section 115922) or such features which are equal to or greater than those listed in the Act, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	Steitz
Absent	:	Briggs

- - - -

(5B) RESOLUTION NO. 98-255 - ESTABLISHING THE CITY OF FRESNO)
AS A "CITY OF CHARACTER" WITH THE INTERNATIONAL ASSOCIATION)
OF CHARACTER CITIES - COUNCILMEMBER STEITZ)

132-84

8/25/98

Councilmember Steitz briefly reviewed the issue and advised of benefits to the City by joining the Association.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 98-255 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

- - - -

(5C) DIRECT STAFF TO CONDUCT A FEASIBILITY STUDY TO INSTALL)
A STOP SIGN AT THE INTERSECTION OF NORTHRIDGE AND ARTHUR)
AVENUES - PRESIDENT MATHYS)

Briefly reviewed by President Mathys.

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, staff directed to conduct a feasibility study to install a stop sign at the intersection of Northridge and Arthur Avenues, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

- - - -

(5D) RESOLUTION NO. 98-256 - SETTING FORTH PERMISSIBLE GAMES)
WHICH MAY BE PLAYED IN CARD ROOMS UNDER THE CITY OF FRESNO)
CARD ROOM ORDINANCE - COUNCILMEMBER BREDEFELD)

A motion and second to adopt the resolution was acted upon after brief discussion. An unidentified representative of Club One responded to questions of Councilmember Steitz relative to adding new games.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 98-256 hereby adopted, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo
Noes : Steitz, Mathys
Absent : Briggs

- - - -

132-85

8/25/98

(5E) RECEIVE REPORT FROM CITY CONTROLLER RELATING TO THE)
CITY'S RECENT BOND RATING REDUCTION BY STANDARD AND POOR -)
COUNCILMEMBER PEREA)

Administrative Services Director/Controller Souza responded briefly to questions of Councilmembers Perea **(5 - 0)** and Ronquillo relating to effect on future projects. By Council consensus, the report received.

- - - -

(5F) DIRECT STAFF TO PROVIDE STATUS REPORT RELATING TO)
"O" STREET CLOSURE - COUNCILMEMBER RONQUILLO)

Request made and the issue was briefly reviewed by Councilmember Ronquillo. By Council consensus, staff to report back on the closure of "O" Street as soon as possible including timeline.

- - - -

(5H) DIRECT STAFF TO INSTALL PAVEMENT UNDULATIONS (SPEED)
BUMPS) IN FRONT OF CALWA ELEMENTARY SCHOOL (LOCATION)
DOES NOT MEET WARRANTS) - COUNCILMEMBER QUINTERO)

Councilmember Quintero briefly reviewed the background and emphasized this was a safety issue due to the nearby Jensen Avenue expressway and by-pass turn-off. Brief discussion ensued with Councilmember Quintero responding to questions and stated the cost would come from his Council budget.

On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, staff directed to install pavement undulations (speed bumps) in front of Calwa Elementary School, with funding from Council District 5's budget, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes : Steitz
Absent : Briggs

- - - -

(5J) IN AN EFFORT TO FURTHER BEAUTIFY FRESNO, INITIATE AN)
ORDINANCE THAT WOULD LIMIT THE PLACEMENT OF TRASH IN CITY)
STREETS TO NO MORE THAN TWO WEEKS PRIOR TO THAT NEIGHBOR-)
HOOD'S SCHEDULED CLEAN-UP DAY - COUNCILMEMBER BREDEFELD)

Briefly reviewed by Councilmember Bredefeld who made a motion to amend and approve the request to no more than seven days prior to the scheduled clean-up day. It was determined no action was necessary as a seven day timeline was currently in place. Brief discussion ensued on enforcement.

- - - -

132-86

8/25/98

LUNCH RECESS - 12:02 P.M. - 2:12 P.M. President Mathys and Councilmembers Bredefeld and Ronquillo arrived later.

(1A-12) APPROVE CONTRACT CHANGE ORDER NO. 2 WITH ASPHALT)
MAINTENANCE COMPANY OF CALIFORNIA FOR APPLICATION OF)
SLURRY SEAL TO VARIOUS STREETS WITHIN THE CITY OF FRESNO)

Councilmember Perea advised his question had been answered by staff.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, Contract Change Order No. 2 for an estimated \$500,000 to continue the revitalization program on neighborhood streets as budgeted hereby approved, and the Public Works Director authorized to sign the change order on behalf of the City, by the following vote:

Ayes : Briggs, Perea, Quintero, Steitz
Noes : None
Absent : Bredefeld, Ronquillo, Mathys

- - - -

President Mathys and Councilmember Bredefeld arrived at 2:13 p.m.

(1A-19) AUTHORIZE TERMINATION OF THE EXISTING AGREEMENT)

WITH THE STATE OF CALIFORNIA DEPARTMENT OF REHABILITATION,)
AND ENTER INTO AN AGREEMENT WITH INTERNATIONAL CATERING)
FOR THE OPERATION OF THE CITY HALL SNACK BAR)

Vice President Briggs stated he had concerns with the on-going problem of procuring a quality vendor and with the provision that the vendor provide his own equipment stating he felt the City should take a different approach to the issue and provide tables, chairs and fixtures since the snack bar was for City employees.

Director/Controller Souza responded to Vice President Briggs' concerns and clarified the current policy. Vice President Briggs stated he felt the policy should be amended for the City to provide the equipment then solicit a vendor to provide quality food and service.

Discussion ensued on the cost whereupon Vice President Briggs directed staff obtain estimates and report back. Brief discussion ensued on the process just undertaken which included the option of submitting a bid with or without equipment.

On motion of Vice President Briggs, seconded by President Mathys, duly carried, RESOLVED, staff directed to obtain estimates to purchase and provide equipment at the City Hall Snack Bar facility and report back, by the following vote:

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Ayes	:	Bredefeld, Briggs, Quintero, Steitz, Mathys
Noes	:	Perea
Absent	:	Ronquillo

- - - -

(1A-21) RESOLUTION NO. 98-257 - AUTHORIZING THE CITY OF)
FRESNO TO SERVE AS CO-NOMINATOR WITH THE COUNTY OF FRESNO)
ON AN EMPOWERMENT ZONE APPLICATION, AND SIGN AND SUBMIT)
THE APPLICATION TO THE U.S. DEPARTMENT OF URBAN DEVELOP-)
MENT)

Grant Writer LeBlanc reviewed the staff report as submitted and responded to Council questions relative to private leveraging, administering the funds, including Council in the structure to administer funds, adding other designated areas, criteria and use of funds, lead agency, and incorporating Highway City in the future.

On motion of Councilmember Steitz, seconded by Vice President Briggs, duly carried, RESOLVED, the above entitled Resolution No. 98-257 hereby adopted, and staff authorized to execute and submit the Empowerment Zone Application and supporting document to the California Department of Social Services and the U.S. Department of Urban Development, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Ronquillo

- - - -

Councilmember Ronquillo arrived at 2:37 p.m.

(1A-18) APPROVE AN AGREEMENT BETWEEN THE CITY OF FRESNO)
AND TREE FRESNO FOR LANDSCAPE MAINTENANCE SERVICES)

Director of Parks, Recreation and Community Services Primavera responded to Council questions relative to elimination of any City positions, advantage to the City, and Local 39's position.

John Valentino, Tree Fresno, spoke in support of the agreement stating it was a very innovative proposal involving different groups and organizations, emphasized it would provide greater service to the City at a lesser cost, and added not one City employee would lose their job. A motion to approve the agreement was acted upon after additional discussion.

Mr. Primavera, City Attorney Montoy and Labor Relations Manager Aguiniga responded to questions relative to areas to be maintained, Local 39's position and side letter of agreement, **(6 - 0)** how areas were selected, impact on agreement with California Conservation Corps, and when the side letter was negotiated. Councilmember Quintero requested the issue be held over for clarification on Local 39's position.

132-88

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On motion of Vice President Briggs, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the Landscape Maintenance Agreement between the City of Fresno and Tree Fresno hereby approved; and the Director of Parks, Recreation and Community Services, or his authorized designee, authorized to execute all documents which may be necessary for the execution and administration of the agreement, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Ronquillo, Steitz, Mathys
Noes : Quintero
Absent : None

- - - -

RECESS - The Council recessed at 2:57 p.m. and the Joint Powers Financing Authority met in open session in Meeting Room "C" to consider a resolution relating to the issuance of bonds for the purpose of financing the Convention Center Exhibit Hall Expansion Project. The City Council reconvened in regular session at 3:20 p.m.

(1A-23) *RESOLUTION NO. 98-258 - APPROVING THE ISSUANCE BY THE)
FRESNO JOINT POWERS FINANCING AUTHORITY OF NOT TO EXCEED)
\$35,000,000 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF LEASE)
REVENUE BONDS TO FINANCE THE EXHIBIT HALL EXPANSION PROJECT;)

AUTHORIZING THE EXECUTION AND DELIVERY OF A SITE LEASE AND)
A FACILITY LEASE; APPROVING THE FORM OF OFFICIAL STATEMENT;)
AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF)
ALL NECESSARY ACTIONS RELATING TO THE LEASE FINANCING WITH)
THE FRESNO JOINT POWERS FINANCING AUTHORITY)

Assistant Controller Carlton reviewed the staff report as submitted and advised the Joint Powers Financing Authority had just taken action approving their side of the lease.

Councilmember Steitz expressed his strong concern with the issue and the step payment financing structure stating this would be a negative amortization loan for the first 5-6 years with increased payments thereafter resulting in an additional \$3 million cost for what he called a "second rate" facility, and stated he would not support the bond issuance.

A motion to adopt the resolution was acted upon after additional discussion. Councilmember Ronquillo commented on the issue and stated his support. Councilmember Steitz directed his name not be associated in any way with the facility. Brief discussion ensued.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 98-258 hereby adopted, by the following vote:

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Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo
Noes : Steitz, Mathys
Absent : None

- - - -

(1A-24) APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH)
GOLDEN EAGLE PARKING AND TROLLEY, LLC, TO PROVIDE A FIXED)
ROUTE TROLLEY SERVICE)

Transit General Manager Rudd briefly reviewed the staff report as submitted. Vice President Briggs and Councilmembers Ronquillo, Perea and Bredefeld expressed their support and commended staff and Golden Eagle. Mr. Rudd responded briefly to questions relative to the City subsidy.

On motion of Vice President Briggs, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the second amendment to the Agreement with Golden Eagle Parking and Trolley, LLC, that would provide the flexibility needed by Golden Eagle Parking and Trolley, LLC, to operate such a service while still ensuring accountability to the City of Fresno hereby approved, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None

- - - -

(1A-25) AUTHORIZE THE NEGOTIATION AND EXECUTION OF)
AGREEMENTS WITH THE WEST FRESNO COMMUNITY FOUNDATION,)
INC., FOR THE PURCHASE, OPERATION AND MAINTENANCE OF)
THE IVY NEIGHBORHOOD CENTER)

Director of Parks, Recreation and Community Services Primavera responded to questions relative to why the center was being sold for \$1.00, the City operating the center since it was providing funding, termination provisions, and if any City positions would be eliminated. Councilmember Steitz expressed his support and made a motion to approve staff's recommendation.

Discussion ensued on particulars of the agreement, how the proposal originated, value of the center, deferred maintenance costs, and the foundation to be formed, with Mr. Primavera responding to questions.

Councilmember Bredefeld stated he had a fundamental problem with selling the center for \$1.00, funding it, then handing it over to the school district in three years, and stated he would not support the agreement. Councilmember Ronquillo commented on the issue stating he supported shared agreements with the school districts but this arrangement seemed to be different and explained. Councilmember Perea expressed concern with lack of information on the foundation to be formed.

A motion and second to reject the agreement was acted upon after additional discussion.

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City Manager Reid clarified why there were no deferred maintenance issues in the staff report, stated he and staff felt bringing forth the subject agreement was following past Council direction, emphasized the agreement was intended to be a partnership with the West Fresno School District and explained, and added it would be very unfortunate if Council were to reject the agreement.

Councilmember Steitz commented on the need for these types of agreements, cited the many parks in his district in need of maintenance and requested staff work with him, and stated "political maneuvering" was going on and expressed his concern. President Mathys stated he would not support the issue this date as he had a concern with the subject applicant based on past history and performance and added he was open to other types of partnerships.

Steve Morris, West Fresno School District, stated disparaging remarks were made about the school district emphasizing to judge the district on past history was not fair, invited Council to see the improvements in the district and involvement of parents and neighbors in the community, (7 - 0) and responded to Council questions relative to reasons for the abandonment of a school site on S. Fruit Avenue.

Councilmember Perea cited a memorandum from the County Office of Education to the school district

relative to a three year trend of deficit spending by the district and expressed his concern, and requested staff and the school district take a step back and lay out a full plan to obtain a better response from Council. Mr. Morris responded to comments made and expressed his concerns citing current conditions at Ivy Center. Stating if the agreement were to be rejected this date, Councilmember Ronquillo invited representatives of the school district to contact his office to discuss the issue in more detail.

On motion of Vice President Briggs, seconded by Councilmember Perea, duly carried, RESOLVED, negotiation and execution of agreements with the West Fresno Community Foundation, Inc., for the purchase, operation and maintenance of the Ivy Neighborhood Center rejected, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Ronquillo, Mathys
Noes	:	Steitz
Absent	:	None
Abstain	:	Quintero

- - - -

(3:00 P.M.) BILL FOR INTRODUCTION - ADDING SECTIONS TO THE)
FRESNO MUNICIPAL CODE RELATING TO MANAGEMENT OF REAL)
PROPERTY)

President Mathys commended the Apartment Vacancy Task Force for their work on the issue. Deputy Chief Fifield briefly reviewed the issue stating the ordinance as proposed had been modified and would provide an available tool to the police department and housing staff to obtain needed results.

Councilmember Perea made a motion, seconded by President Mathys, to introduce the ordinance. Chief Fifield and Deputy City Attorney Slater responded to questions of Councilmember Steitz relative to definitions, violations, and process and timeline for issuing citations.

132-91

8/25/98

Speaking in opposition to the ordinance were: Ken Maul, 305 W. Bullard #103, Apartment Association of Greater Fresno; and George Murphy, President-Elect, Fresno Association of Realtors.

Speaking in support were: Dallas Debatin, 109 N. Glenn; Elaine Trevino, Apartment Vacancy Task Force (AVTF) Member; and Carolyn Markus, AVTF Member.

Continuing in opposition were: Jack Good, 5550 W. Blosser; and Carol Maul, 305 E. Bullard.

Lengthy discussion ensued with Chief Fifield responding to questions relative to property owner responsibility and authority, **(8 - 0)** and appeal provisions. Vice President Briggs stated there was a discrepancy in how the ordinance was perceived by staff and the apartment association adding he was getting mixed signals, and suggested the issue be held over a couple of weeks to sort things out. A substitute motion to table the issue for three weeks was acted upon after additional discussion.

Upon question, City Attorney Montoy responded some refinements were made to the current ordinance and

some sections were streamlined, and stated the basic premise had not been changed. Upon question of Councilmember Quintero, Mr. Slater clarified the difference between the current and proposed ordinance, with Councilmember Quintero stating his support. President Mathys stated it was already difficult to be a landlord, stressed sensitivity needed to be shown to property owners, and stated he supported a delay. Councilmember Bredefeld offered a second to the substitute motion.

A substitute motion of Vice President Briggs, seconded by Councilmember Bredefeld, to table the issue three weeks became the main motion, by the following vote:

Ayes	:	Bredefeld, Briggs, Steitz, Mathys
Noes	:	Perea, Quintero, Ronquillo
Absent	:	None

On motion of Vice President Briggs, seconded by Councilmember Bredefeld, duly carried, RESOLVED, introduction of the ordinance regarding management of real property tabled to September 15, 1998, by the following vote:

Ayes	:	Bredefeld, Briggs, Steitz, Mathys
Noes	:	Perea, Quintero, Ronquillo
Absent	:	None

Ms. Montoy requested Council advise of their concerns with Councilmember Steitz concurring adding he would work with all involved.

- - - -

Councilmembers Perea and Steitz briefly left the meeting at 5:25 p.m.

(2:30 P.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES)
DISTRICT NO. 2 (CFD#2), ANNEXATION NO. 7)

132-92

8/25/98

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon question of Vice President Briggs, City Design Engineer Kassabian confirmed 100% of the property owners supported the special tax.

Upon call, no one wished to be heard and President Mathys closed the hearing.

1. RESOLUTION - ANNEXING TERRITORY TO CFD#2 AND AUTHORIZING)
THE LEVY OF A SPECIAL TAX)
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION)
3. RESOLUTION - DECLARING ELECTION RESULTS)
4. *BILL - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR)
1999-2000 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD#2,)

A motion of Vice President Briggs, seconded by Councilmember Quintero, to approve the above entitled Resolutions and Ordinance Bill failed, by the following vote:

Ayes	:	Briggs, Quintero
Noes	:	Bredefeld, Ronquillo, Mathys
Absent	:	Perea, Steitz

Councilmember Steitz returned to the meeting at 5:28 p.m. Brief discussion ensued on rescheduling the issue for the next meeting.

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the hearing on Community Facilities District No. 2, Annexation No. 7 continued to September 15, 1998, to reconsider the prior vote, by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Steitz, Mathys
Noes	:	Briggs
Absent	:	Perea

Councilmember Steitz stated if the issue were to fail again in three weeks he wanted the legal ramifications looked into as he did not want his district residents to pay for the maintenance.

- - - -

(5K) DIRECT CITY ATTORNEY TO DEVELOP OR AMEND THE EXISTING)
 ORDINANCE CONCERNING ARCHITECTURAL DESIGN OF A COMMERCIAL)
 DEVELOPMENT TO REFLECT THAT ANYONE WHO REBUILDS OR ADDS TO)
 AN EXISTING COMMERCIAL DEVELOPMENT STAY CONSISTENT WITH)
 THE ORIGINAL ARCHITECTURAL DESIGN - COUNCILMEMBER QUINTERO)

132-93

8/25/98

Briefly reviewed by Councilmember Quintero who gave an example of inconsistency, (9 - 0) stated the request would allow for a consistent, cleaner look for the property, and questioned the impact to timelines on projects. Councilmember Perea returned to the meeting at 5:34 p.m. Planning Manager Yovino responded to questions and stated staff would look into the matter and report back in 30 days.

- - - -

(5L) DIRECT STAFF TO DISCONTINUE THE GREEN WASTE PILOT)
 PROGRAM IN DISTRICT 5 IMMEDIATELY AND RETURN TO THE)
 EXISTING PROGRAM. ALSO CONSIDER A PROPOSED PROGRAM)
 THAT IS USED EFFECTIVELY IN OTHER CITIES - COUNCILMEMBER)

Briefly reviewed by Councilmember Quintero who stated residents in his district had expressed a number of concerns about the current program, requested the program be stopped in his district since it was a pilot program and was not working, and submitted two program alternatives to staff to consider.

Upon question of President Mathys, Acting Public Utilities Director Anderson stated the program in District 5 could not be discontinued and explained, and advised of a customer survey process that was undertaken and how respondents to the survey were dealt with. Councilmember Quintero directed staff contact each resident in person rather than a sending a survey mailer stating many customers did not understand the mailer. Vice President Briggs directed staff give an update report on the program in three weeks.

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**(5:30 P.M.) HEARING ON PLAN AMENDMENT NO. A-98-08, REZONING)
APPLICATION NO. R-98-10, AND ENVIRONMENTAL FINDINGS, FILED)
BY DEWAYNE ZINKIN, PROPERTY LOCATED AT THE NORTHEAST)
CORNER OF N. FRIANT ROAD AND N. FORT WASHINGTON ROAD)**

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Planner Beach reviewed the staff report as submitted and recommended approval of the plan amendment and rezoning application subject to conditions outlined, as approved by the Planning Commission.

Speaking in support/conditional support of the project were: Mehmet Noyan, 456 E. Ascot, Jim O'Neal, 1284 E. Jamestown Drive; Mike Campbell, President, Woodward Lake Homeowners Association; Troy Mathias, 384 E. Sandpiper; and Selma Layne, Woodward Park Homeowners Association, 414 E. Loyola.

Applicant DeWayne Zinkin reviewed the project, requested approval of the mixed-use development, and advised all concerns expressed by area residents had been duly addressed. **(10 - 0)**

Brief discussion ensued with Mr. Zinkin, Mr. Beach and Mr. Hallenberg responding to questions relative to the traffic signal and library. Councilmember Bredefeld expressed his support for the project.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

**1. RESOLUTION NO. 98-259 - AMENDING THE WOODWARD PARK)
COMMUNITY PAN AND FRESNO GENERAL PLAN FROM MEDIUM HIGH)
AND MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL-OFFICE)
AND COMMUNITY COMMERCIAL, WITH CONDITIONS)
2. BILL NO. B-77 - ORDINANCE NO. 98-67 - AMENDING THE)
OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO C-2/EZ/UGM/CZ)
AND C-P/UGM/CZ, WITH CONDITIONS)**

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the mitigated Negative Declaration for Environmental Assessment No. A-98-08/R-98-10 hereby approved; the above entitled Resolution No. 98-259 approving Plan Amendment No. A-98-08 to amend the plan use of the project from medium-high and medium density residential to community commercial and commercial office uses subject to conditions limiting implementation to the mix of retail commercial, office, public library, and congregate care uses identified by the project conceptual development adopted; and the above entitled Bill No. B-77 approving Rezoning Application No. R-98-10 to rezone the subject property from AE-5/UGM to C2/EA/UGM and P/UGM/cz adopted as Ordinance No. 98-67, subject to the conditions listed in the subject ordinance bill, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None

- - - -

REQUEST FOR TIME CHANGE FOR JOINT MEETING WITH THE PLANNING)
COMMISSION FROM 6:30 P.M. TO 5:30 P.M. - PRESIDENT MATHYS)

Request made.

- - - -

(5A) CONSIDER ADDITIONS TO COUNCIL RULES AND PROTOCOL)
RELATING TO RULE 16(g) - VICE PRESIDENT BRIGGS)

Not discussed.

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(2:00 P.M.) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9,)
SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:)
1. CITY OF FRESNO V. BUREAU OF RECLAMATION)

132-95

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2. CLAIM OF JAN HAUSMAN)
3. CLAIM OF ALICE MUCELROY)
4. CLAIM OF LYLE COOK)
5. INTEGRATED GRAIN AND MILLING COMPANY, INC., ET AL. V.)
CITY OF FRESNO)

(B) EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9,)
SUBDIVISION (a) - CASE NAMES:)
1. WOODWARD PARK HOMEOWNERS ASSOCIATION, INC. V. CITY OF)

FRESNO, ET AL)
2. LIM V. CITY OF LONG BEACH (AMICUS CURIAE))

The Council met in closed session in Room 2125 at the hour of 6:30 p.m. to consider the above issues and adjourned thereafter.

- (B) EXISTING LITIGATION - CASE NAMES:)
1. COUNTY V. CITY V. COUNTY (PARKING FINES CASE), SUP. CT.)
#502123-3, CA #5-5872)
2. CITY V. COUNTY V. CITY (AB 1290), SUP. CT. #545900; CA#16-7213)
3. COUNTY V. CITY V. COUNTY (CSA 48), SUP. CT. #560663-7; CA#16-7283)
4. COUNTY V. CITY (ROEDING PARK II), SUP. CT. #571200-5; CA#16-7328)
5. COUNTY V. CITY (ROEDING PARK III), SUP. CT. #573647-5; CA#4-7341)

Laid over to September 15, 1998, at 8:30 a.m.

- - - -

ADJOURNMENT)

There being no further business to bring before the Council, the hour of 7:05 p.m. having arrived and hearing no objections, President Mathys declared the meeting adjourned.

DATED this _____ day of _____, 1998.

Chris Mathys, President

ATTEST: Yolanda Salazar, Assistant City Clerk